

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

Criminal No. 04-10111-MEL

COREY SMITH,)

Defendant.)

NOTICE OF WITHDRAWAL OF GOVERNMENT'S APPEAL

(Assented-To)

The United States of America hereby withdraws its November 20, 2006 notice of appeal (docket number 101) from the sentence imposed on the defendant, Corey Smith, by the district court (Lasker, S.J.) on October 19, 2006 and the resulting Judgment in a Criminal Case (entered on the docket on October 24, 2006). The government states that it will not pursue the appeal and that this decision has come before the appeal was docketed with the United States Court of Appeals for the First Circuit. Each party will bear its own costs and fees.

On December 18, 2006, the undersigned conferred with the defendant's attorney and the latter assents to this notice of withdrawal of the government's notice of appeal.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

Date: December 19, 2006

By: s/Patrick Hamilton/
PATRICK HAMILTON
Assistant U.S. Attorney

Certificate of Service

I, Patrick Hamilton, Assistant United States Attorney, hereby certify that I have caused a copy of this notice to be served electronically via the court's ECF system upon Jonathan Shapiro, Esq., Stern, Shapiro, Weissberg & Garin, 90 Canal Street - Suite 500, Boston, MA 02114, on December 19, 2006.

s/Patrick Hamilton/
Patrick Hamilton
Assistant U.S. Attorney